

1 BARRY J. PORTMAN
Federal Public Defender
2 JOYCE LEAVITT
Assistant Federal Public Defender
3 555 12th Street, Suite 650
Oakland, CA 94607-3627
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Counsel for Defendant HASTINGS
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8 IN THE UNITED STATES DISTRICT COURT
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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)	
)	No. CR 06-0336 SBA
12 Plaintiff,)	
)	STIPULATION AND
13 v.)	ORDER FOR CONTINUANCE OF
)	CHANGE OF PLEA DATE AND
14)	EXCLUSION OF TIME UNDER THE
15 SHAREEF HASTINGS,)	SPEEDY TRIAL ACT, 18 U.S.C. §
)	3161 <u>ET SEQ.</u>
16 Defendant.)	

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the change of
18 plea date in this case, currently scheduled for Thursday, November 30, 2006, at 10:00 a.m. before
19 Honorable Judge Sandra Brown Armstrong, may be continued to Tuesday, December 19, 2006,
20 at 10:00 a.m. for change of plea. The reason for the request is that additional investigation is
21 necessary in order to determine whether certain enhancements set out in the guidelines would
22 apply in this case. For example, the parties are discussing whether the loss amount attributed to
23 Mr. Hastings should include the amount of the entire conspiracy or the amount attributed to his
24 actions alone. In order to resolve this issue, the government is investigating the extent of Mr.
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1 Hastings' contact with other co-conspirators and his knowledge regarding the scope of the
2 conspiracy. The government is also investigating whether the offense in this case was moved to
3 another jurisdiction for the purpose of evading law enforcement, consistent with United States
4 Sentencing Guideline §2B1.1(b)(9)(A), or whether the offense was carried out in two different
5 jurisdictions for some other purpose. The government has heard from defense counsel and needs
6 to further investigate these issues with the assistance of its agents. Should the Court continue the
7 change of plea to December 19, 2006, it should allow enough time for the investigation to be
8 completed. Therefore, the parties stipulate that the time from November 30, 2006, through
9 December 19, 2006, should be excluded in accordance with the provisions of the Speedy Trial
10 Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel so that the
11 government can complete its investigation regarding these issues.
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14 DATED: 11/29/06

JOYCE LEAVITT
Assistant Federal Public Defender

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16 DATED: 11/29/06

ALICIA FENRICK
Assistant United States Attorney

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19 SIGNATURE ATTESTATION

20 I hereby attest that I have on file all holograph signatures indicated by a "conformed"
21 signature ("/S/") within this efiled document.
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ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the change of plea date in this case, currently scheduled for Thursday, November 30, 2006, at 10:00 a.m. before Honorable Judge Saundra Brown Armstrong, is hereby continued to Tuesday, December 19, 2006, at 11:00 a.m. for change of plea.

IT IS FURTHER ORDERED that the time from November 30, 2006, through December 19, 2006, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel so that the government can investigating outstanding issues including, but not limited to, whether the offense was moved to another jurisdiction for the purpose of evading law enforcement, and whether the scope and nature of Mr. Hastings' involvement in this case justifies his being held responsible for the entire loss amount, or only that loss amount attributable to his actions. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial because additional investigation is necessary to the preparation of the case and the failure to grant the requested continuance would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED: 11/29/06


HONORABLE SAUNDRA BROWN ARMSTRONG
United States District Judge